

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EMILIO FUSCO,

Petitioner,

-v.-

Civil Action No.
9:05-cv-41 (GLS/DRH)

D.B. DREW,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

EMILIO FUSCO
Petitioner Pro Se
167 Kenmore Drive
Longmeadow, Massachusetts 01106

FOR THE RESPONDENT:

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
Attorney for Respondent
100 South Clinton Street
Syracuse, New York 13261-7198

CHARLES E. ROBERTS, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Homer, duly filed June 27, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

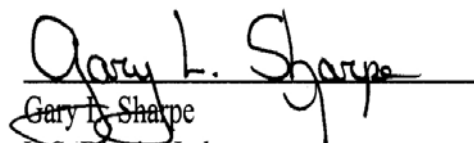
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed June 27, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petitioner's petition for a writ of habeas corpus (Dkt. No. 1) is DENIED, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Respondent and close this case.

IT IS SO ORDERED

Dated: July 31, 2007
Albany, New York



Gary L. Sharpe
U.S. District Judge